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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,576	02/02/2001	Russell Allen Monk	31456/204621	7932
826	7590	04/23/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			VO, HAI	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/776,576	Applicant(s) MONK ET AL.	
	Examiner Hai Vo	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-13 and 16-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-7, 9-13, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lynn et al (US 6,093,481) in view of Day (US 5,589,243) and Saidla (US 3,854,620) substantially as set forth in the 07/18/03 Office Action.
3. Claims 1-7, 9-13, and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johannsen (US 3,964,354) in view of Hansen (US 5,870,965) and Saidla (US 3,854,620) substantially as set forth in the 07/18/03 Office Action.

Allowable Subject Matter

4. Claim 8 is allowed. None of the prior art suggests or discloses the composite structure member as defined in the claim wherein the polypropylene foam has a density of from 3 to 8 pcf and shear strength of from 60 to 200 psi. US 5,693,423 to Laura et al discloses the composite structure having a foam and a fiber reinforced thermoplastic resin bonded to the foam by an adhesive. Laura et al also teach that the foam with a density, and a thickness within the claimed ranges has a shear strength of 25.9 psi (table 4, example V), which is

much less than one-half the lower limit of the shear strength range as recited in the claim.

Response to Arguments

5. The art rejections have been maintained for the following reasons. Applicant argues that since there is no teaching or suggestion in Saidla as to how long and to what extent the core should be sanded, an open layer of cells would not be inherently present in Saidla. The arguments are not found persuasive for patentability since they are not commensurate in scope with the claims. Nothing in the claims is specific about how long and to what extent the core should be skived. It is noted that Saidla teaches the surface of the closed cell polyurethane foam being sanded to enhance its bonding properties. Likewise, it is clearly apparent that the cells at the surface of the foam layer should be broken down upon sanding so as to facilitate the bonding between the foam layer and the skin layer. Applicant further argues that to enhance bonding the core of Saidla can be chilled to provide a friable surface. Accordingly, like a friable surface, sanding would create a crumpled and roughened surface to enhance bonding properties of the core. The examiner disagrees. Saidla discloses that sanding, chilling the foam core are mechanisms to enhance its bonding properties to the skin layer. Nothing in the Saidla discloses that similar to chilling, sanding would create a crumpled and roughened surface to enhance bonding properties of the core. In addition, Applicant argues that there is no teaching or suggestion in the Saidla reference of polyethylene

foam. There is no need for Saidla to address the polypropylene foam because such was taught by the primary reference. The teaching of Saidla would lead one of ordinary skill in the art to sand the surface of the foam core of the primary reference to enhance its bonding properties. Accordingly, the art rejections are thus sustained.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (571) 272-1485. The examiner can normally be reached on M,T,Th, F, 7:00-4:30 and on alternating Wednesdays.

Art Unit: 1771

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HV



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700